United Nations A/S-19/PV.11

General Assembly
Nineteenth Special Session

Official Records

11th Meeting
Friday, 27 June 1997, 9 p.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order on Saturday, 28 June 1997, at 12.45 a.m.

Agenda item 8 (*continued*) **and agenda item 9**

Overall review and appraisal of the implementation of Agenda 21

Report of the Ad Hoc Committee of the Whole of the Nineteenth Special Session (A/S-19/29)

Adoption of the final document

The President: I give the floor to His Excellency Mr. Mostafa Tolba of Egypt, Chairman of the Ad Hoc Committee of the Whole of the Nineteenth Special Session.

Mr. Tolba (Egypt), Chairman of the Ad Hoc Committee of the Whole of the Nineteenth Special Session: As members know, the nineteenth special session of the General Assembly was convened to review and appraise progress made in implementing the agreements reached at the United Nations Conference on Environment and Development, held in 1992. The session has provided us with a unique opportunity to further promote and energize local, national, regional and international efforts to implement Agenda 21, the Rio Declaration on Environment and Development and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles). We were challenged to rededicate and recommit ourselves to further advancing the implementation of those historic agreements.

We have been engaged in a complex and detailed review of what has happened since the Rio Conference. This review marks the first time that we have tried to hold ourselves accountable for the commitments we have made and to make a frank appraisal of our progress. At the intergovernmental level, this review has involved Heads of State or Government, ministers, ambassadors and Government policy-makers. It has also involved a wide range of civil-society groups, including business leaders and representatives of all other major groups and sectors of society.

Our negotiations have been long and, at times, difficult. I wish to extend a word of sincere thanks to you personally, Mr. President, for intervening at some crucial moments to get things done. The negotiations were carried out not only during the special session itself, but over several weeks previous to it, during the meetings of the Commission on Sustainable Development and its inter-sessional working group.

During this special session, ministers have been actively involved in discussions on issues of significant political importance, such as finance, climate change and forests. The outcome that I will be presenting is a programme for the further implementation of Agenda 21. It represents our best collective effort to understand what has happened over the past five years and to provide advice on what needs to be done to ensure full and effective implementation of Agenda 21 in the future. It includes a statement of commitment expressing the collective will fully to implement the programme and thereby accelerate implementation of Agenda 21. We were successful in reaching early agreement on many paragraphs in the document.

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However, quite a few points could not be fully resolved except at the eleventh hour. The document contains agreed language related to finance and international cooperation as well as the transfer of environmentally sound technologies. Yet these issues remain underlying currents of concern running throughout our negotiations. Developing countries are justifiably preoccupied with the overall downward trend in official development assistance since 1992. They certainly expect an immediate halt and reversal of that trend.

Consensus has been achieved in recognizing the critical importance of our scarce freshwater resources and on the actions proposed to address this problem on an urgent basis. A good foundation has also been laid to continue the intergovernmental policy dialogue on forests through the establishment of an ad hoc open-ended intergovernmental forum on forests. Negotiations on atmosphere and energy have been lengthy and difficult. Nevertheless, there is now a strong signal to developed countries to commit at the upcoming Kyoto meeting on climate change to legally binding, meaningful, realistic and equitable targets for greenhouse gas emissions. The text on energy in the document before members should provide the basis for useful international cooperation in coming years. Clearly the eradication of poverty and the relationship between trade and the environment will remain issues of great concern to all countries as we seek fully to implement Agenda 21.

I believe that the work of the Commission on Sustainable Development should be strengthened by the results of this special session, since we now have a new agreed multi-year programme of work that focuses attention on the key sectoral and cross-sectoral themes that have dominated much of our discussion during these negotiations. I believe that this programme of work will assist the Commission in further advancing our understanding of these issues and in formulating action-oriented proposals.

We have accomplished much, through our negotiations, in a relatively short time to advance the implementation of Agenda 21. Clearly, a great deal remains to be done, but I commend to the Assembly our programme and report, which will be presented by the Rapporteur and recommended to the plenary of the special session of the General Assembly.

The President: I now request Ms. Idunn Eidheim of Norway, Vice-Chairperson of the Ad Hoc Committee of the Whole of the Nineteenth Special Session, acting as Rapporteur, to introduce the report.

Ms. Eidheim (Norway) Vice-Chairperson of the Ad Hoc Committee of the Whole of the Nineteenth Special Session, acting as Rapporteur: I have the honour to present the report of the Ad Hoc Committee of the Whole of the Nineteenth Special Session, which is contained in document A/S-19/29 as well as in document A/S-19/AC.1/L.1 and Addenda 1 to 33.

As the Assembly will recall, the Ad Hoc Committee was entrusted with the finalizing of a document for consideration by the special session under agenda item 8, "Overall review and appraisal of the implementation of Agenda 21". The Ad Hoc Committee held a discussion on the item over the course of two meetings and devoted a third meeting and a number of informal consultations and exchange of views on the document. I should like to take this opportunity to finalize the report by adding information that is not included in the printed text before the Assembly.

In document A/S-19/AC.1/L.1, the word "three" should be inserted in the first blank in paragraph 2; the second blank, before the word "June", should be filled in with the number 27.

In paragraph 12, the first line should read: "At the 3rd meeting, on 27 June 1997", with the rest of the sentence continuing as is. Paragraph 13 will read as follows:

> "At its third meeting on 27 June, the Ad Hoc Committee of the Whole considered its report. Statements were made by the representatives of many countries. The Ad Hoc Committee then adopted this draft report, as orally revised and corrected during the discussion."

Turning to document A/S-19/AC.1/L.1/Add.10, in the chapeau of paragraph 22, the third sentence was deleted and replaced by the following:

> "All countries should strive to promote sustainable consumption patterns; developed countries should take the lead in achieving sustainable consumption patterns; developing countries should seek to achieve sustainable consumption patterns in their development process, guaranteeing the provision of basic needs for the poor, while avoiding those unsustainable patterns, particularly in the industrialized countries, generally recognized as unduly hazardous to the environment, inefficient and wasteful in their development processes. This requires enhanced technological and other assistance from industrialized countries. In the follow-up of the implementation of Agenda 21, the

review of progress made in achieving sustainable consumption patterns should be given high priority."

After the word "priority", a footnote should be added:

"See, *inter alia*, 'A shared vision — conclusions from the Chairperson of the Brasilia Workshop on Sustainable Production and Consumption Patterns and Policies, held from 25 to 28 November 1996' (E/CN.17/1997/19)".

In paragraph 14 of A/S-19/AC.1/L.1, the Ad Hoc Committee of the Whole recommends to the General Assembly the adoption of a draft report to which is annexed the programme for further implementation of Agenda 21, as orally revised.

The President: I thank the Vice-Chairperson of the Ad Hoc Committee of the Whole of the Nineteenth Special Session.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the Assembly will not discuss the report.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the various recommendations of the Ad Hoc Committee of the Whole of the Nineteenth Special Session have been made clear in the Committee.

May I remind delegations that, in accordance with General Assembly decision 34/401, explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

Mr. Burhan (Turkey): First of all, we would like to make a small correction in connection with the explanation of vote that we are going to make. A correction should be made to subparagraph (b) of paragraph 2 of document A/S-19/AC.1/L.1/Add.15. We should strike the sentence that reads,

"In paragraphs 29 and 30 (a) the asterisks and corresponding footnote were deleted."

These are the two paragraphs about which we are going to make our explanation of vote.

We would like to make this statement for the record in order to explain our position on paragraph 29 and subparagraph (a) of paragraph 30 of the draft "Programme for the further implementation of Agenda 21", which we are going to adopt.

Paragraph 29 of the proposed outcome of the special session, the general thrust of which we agree with, contains a new initiative on water where a reference is made to "customary uses of waters", as if this had a legal value in the uses of water resources. Even acquired right has not been accepted in international law as a criterion in evaluating and determining the relevant uses of water resources. Therefore, this initiative, which we consider to be very important, may fail to reach successful results when States start building up on customary uses of water.

My delegation would like to state that customary use, as reflected in paragraph 29, does not have equal value and cannot be considered on the same level as existing principles, instruments, arrangements and programmes of action on fresh water. My delegation would therefore like its reservation with respect to paragraph 29 to be registered in the final document and this statement to be duly reflected in the records of the meeting.

Subparagraph (a) of paragraph 30 of the proposed outcome of the special session states that there is an urgent need for all Governments to ratify the Convention on the Law of the Sea. My delegation cannot agree with this statement. Turkey supports all efforts to establish a regime of the sea which is acceptable to all States. However, the Convention on the Law of the Sea does not make adequate provisions for special geographical situations and as a consequence does not establish a satisfactory balance between conflicting interests.

Furthermore, the Convention on the Law of the Sea makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and in most of its provisions, because of these shortcomings Turkey is unable to become a party to the Convention on the Law of the Sea.

Mr. Semakula Kiwanuka (Uganda): On behalf of the delegations of Burundi, Eritrea, Ethiopia, Kenya, Rwanda and Uganda, I wish to make the following statement in explanation of our position on paragraph 29 of the report of the Commission on Sustainable Development (CSD) contained in document A/S-19/14.

We agree on the need for enhanced international cooperation in the field of fresh water. However, this should be based on the universally accepted norms and principles of international law, in particular on the recognition of the sovereign rights of States to exploit their natural resources, including their water resources, and the principle of equitable and reasonable utilization of such resources.

I regret to say that paragraph 29 of the CSD report does not mention these universally accepted principles of international law. On the contrary, it refers to secondary and ambiguous notions and concepts, such as existing instruments, existing arrangements and existing programmes of action. Most regrettably, it contains a new term: "customary uses of water". This is not included in Agenda 21 and has neither been agreed upon nor adopted.

Any dialogue on fresh water should be based first and foremost on the acceptance and recognition of the relevant universally recognized principles of international law, in particular the principle of equitable and reasonable utilization of water resources. Unfortunately, paragraph 29 of the CSD report fails to express this in clear terms. By so doing it seeks to influence or pre-empt the outcome of any future dialogue on fresh water in favour of a certain category of water uses or water users at the expense of others. Such an approach would clearly impose a fait accompli and thereby defeat the very purpose of seeking new and universally acceptable ways and means to deal with the important issues of fresh water, especially in the context of transboundary rivers.

For this reason, our delegations cannot subscribe to the content of paragraph 29 and wish unequivocally to state that the notions and concepts contained therein will not affect our rights and obligations in the use of our water resources, in particular our transboundary waters. We cannot accept the paragraph as a basis for the future work of the CSD or of any other forum discussing the issue.

Accordingly, we register our strong objection to paragraph 29 and request that our views be fully reflected in the record of this meeting and its proceedings.

Mr. Mohamed (Sudan): I would like at the outset to endorse the statement the Ambassador of Uganda made on behalf of his country and other African sister countries. However, my delegation would like to state the following regarding paragraph 29 of the report of the Commission on Sustainable Development (A/S-19/14).

My country remains fully committed to arriving at a negotiated agreement on the issue of freshwater uses, which is one of the foremost and most important aspects of the overall issue of sustainable development.

It was only about one month ago that the General Assembly adopted the Convention on the Law of the Non-Navigational Uses of International Watercourses.

We believe that the existing principles and instruments mentioned in paragraph 29 must be qualified by a reference to international norms and principles which provide for both equitable and reasonable utilization and which cause no harm. These principles are being developed and codified, a process that should be encouraged and recognized.

It is agreed that harmonization is the applicable tool for doing away with inconsistencies and incompatibilities.

We also favour using the phrase "vital human needs", which is more elaborate and more to the point than the relevant phrases in paragraph 29. With its present wording, paragraph 29 will create contradictions in the work of different organs of the United Nations. It is not only a duplication, but a step backwards that will definitely, as we see now, cause differences and controversies.

We therefore reserve our position regarding this paragraph and ask that this be reflected in the record.

The President: We have heard the last speaker in explanation of position before action is taken on the draft resolution.

The Assembly will now proceed to take a decision on the draft resolution contained in the report of the Ad Hoc Committee of the Whole of the Nineteenth Special Session.

The draft resolution, entitled "Programme for further implementation of Agenda 21", was recommended by the Ad Hoc Committee of the Whole of the Nineteenth Special Session for adoption.

May I take it that the Assembly decides to adopt the draft resolution?

The draft resolution was adopted (resolution S-19/2).

The President: I now call on the representative of Malta, who wished to make a statement in explanation of position on the resolution just adopted. May I remind delegations that explanations of vote or position are limited

to 10 minutes and should be made by delegations from their seats.

Mr. Pace (Malta): In welcoming the adoption of the resolution entitled "Programme for the further implementation of Agenda 21", the delegation of Malta would like to state the following.

Malta's interpretation of the references in the document to the platforms and programmes of action adopted by United Nations conferences is consistent with the reports of those conferences.

With respect to paragraph 24, the Malta delegation would like to state the Government of Malta is fully committed to the provision of reproductive-health-care services, excluding abortion. Malta reserves its position on the use of the term "reproductive health care". The interpretation given by Malta is consistent with its national legislation, which considers the termination of pregnancy through induced abortion illegal.

The delegation of Malta requests that this statement be reflected in the record of this meeting.

The President: We have heard the only speaker in explanation of position.

I now call on the representative of the United Republic of Tanzania.

Mr. Mwakawago (United Republic of Tanzania): At this late hour, one has to be brief.

On behalf of the Group of 77 and China, I should like to express sincere appreciation, Mr. President, for the excellent manner in which you have presided over the deliberations of the nineteenth special session of the General Assembly. Your persistence, sense of humour and tireless efforts have resulted in a successful outcome.

I should also like to pay tribute to the Chairpersons of the various ad hoc negotiating groups for their contributions to the process.

The negotiations were tough and in some areas quite protracted. They could not have been otherwise, given the strong views and interests among Member countries. The lively debate in plenary underscored the convergence of views on the linkage between the environment and development. Indeed, it has become obvious that they are two sides of the same coin.

It was quite evident in the debate and from published reports that progress has been made in the implementation of Agenda 21, particularly at the national level, and most especially in the developing countries. Internationally, some progress has been registered in institutional development. The adoption of three major Conventions — the Framework Convention on Climate Change, the Convention on Biological Diversity and the Convention to Combat Desertification and drought — are cases in point.

What has been glaring is the poor implementation of the commitments made in Rio, particularly regarding financial flows and technology transfer, which are very important factors for the developing countries.

We have debated for many hours and have negotiated into the small hours of the night. For the Group of 77 and China, I can state quite categorically that we had expected significant movement. The outcome has been contrary to our expectations.

It can be asked, "Where do we go now?" The answer is not easy. The reality of poverty is a growing phenomenon. Globalization and liberalization: though global, they are not universal in terms of their beneficial impact on each and every society and country. Marginalization is a concept that was mentioned in many of the interventions. The world is crying out for positive answers. This session has not provided them.

I could go on lamenting the non-achievement of the Rio goals, but we have all been witnesses to and participants in the unfolding drama. There are no easy answers; nor can we brush aside the problems. The Group of 77 and China believes that the problems facing our planet are real and urgent. The future is bleak for all if genuine answers are not sought and implemented. The majority of the members of the developing world are on the receiving end of marginalization. Something has got to be done to reverse that trend.

In conclusion, I should like to thank all delegations, particularly those of the Group of 77 and China, for their tremendous support and solidarity. We value the counsel and encouragement they provided, even when the situation was very critical. I extend our thanks also to all the supporting staff, who have made a significant contribution to the work of the session. Finally, I wish the President, and all others, *bon voyage*.

The President: I now give the floor to the representative of the Netherlands, who will speak on behalf of the European Union.

Ms. De Boer (Netherlands): The second summit on sustainable development is over, and looking back, we can come to several conclusions.

First, we can say that our high ambitions were not completely fulfilled. We did not make much progress on, for example, the issue of desertification. We did not make much progress on the issue of finance.

But, as Mr. Tolba said a few moments ago, another conclusion is that we did make progress on several subjects, such as climate change, forests, energy, eco-efficiency and water, and we clearly recognized poverty eradication as our most important common task.

But the most important thing is that we all worked together — countries from all over the world, each in our own way — in order to support and obtain sustainable well-being in world. We met each other, we made friends and we discussed and argued together, and that will lay a basis for further negotiations. There can be no environmental improvement without better mutual understanding, and no better world without friends all over the world. We can change the world with words, but that will take time.

We would like to thank you, President Razali, for your leadership, and also for making it possible for the non-governmental organizations to become full participants in this process. Of course, we want to thank Chairman Tolba and the Bureau for their impressive leadership of this long process, and especially for Mr. Tolba's enthusiasm and humour. We want to thank Mr. Osborn, Ambassador Amorim and Ambassador Ashe for their leadership and for their informal consultations, and we want expressly to thank the Secretariat staff for the tremendous tasks they undertook. They, too, made it possible for this meeting to come to a very good conclusion.

The President: We have thus concluded our consideration of agenda items 8 and 9.

Statement by the Secretary-General

The President: I now give the floor to the Secretary-General of the United Nations, His Excellency Mr. Kofi Annan.

The Secretary-General: All of you have had a long and exhausting day, and I do not wish to take more of your time. You have met here over the past week taking stock of what has been achieved and not achieved. You have grappled with the difficult task of setting priorities. You have sought to deepen and strengthen the commitments that you made in Rio.

As is to be expected, in certain areas you have succeeded. In others, more time and political will are needed. You have moved forward in several areas, such as the management of forests and fresh water, in the commitment to discuss energy and transport from the perspective of sustainable development and in more specific actions, such as the phasing out of leaded gasoline and the ambitious work programme you have set for the Commission on Sustainable Development.

There are areas where work remains to be done, notably in the case of climate change, which you will discuss in Kyoto. There are other areas, such as finance and technology transfer, where much needs to be done to close the gap between promise and performance.

You have worked hard, and I ask you to focus on what you have achieved and what you need to do to consolidate these achievements. I urge you now to move beyond the cut and thrust of negotiations to the cooperative resolve needed for implementation.

The instant judgements of today are seldom the same as the judgements of tomorrow. I have no doubt that as we implement the commitments made here, the hard labour you have put in will be judged to have been worthwhile.

Let me end by thanking you, Mr. President, for the leadership you have shown, not just at this special session, but from the very beginning of the Rio process. Let me thank Mr. Mostafa Tolba, who shouldered the onerous task of steering the negotiations. To these two, to the members of the Bureau, to the Ministers who helped shape the consensus and to the non-governmental organizations, who have kept us on our toes and kept us honest: to all of you, a big thank you, and *bon voyage*. I know the President is staying here with me, but to the rest, *bon voyage*.

The President: I thank the Secretary-General of the United Nations for his statement.

Closing statement by the President

The President: We are meeting to conclude the nineteenth special session of the General Assembly, for the overall review and appraisal of the implementation of Agenda 21, and to adopt a programme for its further implementation. Everyone has worked tirelessly, down to the wire.

All speakers in the plenary underlined the paramount importance of a development process that is sustainable and equitable and protects the environment for present and future generations. We have reaffirmed the continuing vitality and relevance of the agreements reached at Rio, and, for the first time, non-governmental organizations stood alongside Governments in the General Assembly as partners in our task of implementing sustainable development. There was a clear acknowledgement by all who took part that progress to operationalize sustainable development remains insufficient.

The overall results of the special session are sobering. They point to the enormous difficulties of overcoming short-term and vested interests in order to bring about concrete commitments to specific targets and to global programmes. Our words have not been matched by deeds. Such an honest appraisal is a result in itself. Having recognized this lack of progress, this special session will at least go down as an honest attempt to appraise the implementation of Agenda 21.

Among the important conclusions of the special session is the reassertion of the need to support efforts of developing countries to achieve sustainable development by means of international cooperation. This includes an appeal to intensify efforts, to reverse the declining trend of official development assistance and to implement commitments on concrete measures for the transfer of environmentally sound technologies to developing countries. Poverty eradication was reasserted as an essential and fundamental requirement. We have advanced our understanding of the need for action on fresh water, forests, climate and energy.

Many important lessons have been learned at this special session. These have balanced our lofty expectations with the reality of an absence of political will to tackle critical issues in the long term. International cooperation continues to be bedevilled by constraints. However, delegations have not allowed a renegotiation of Agenda 21 or a fudging of responsibilities. Neither have we overemployed the tactics of glossing over lack of progress for media consumption. The issues of sustainable development are too critical to be blurred for political expediency. These results will have a salutary effect on all of us: for international organizations, for Governments and for non-governmental organizations alike.

For the United Nations, these results are telling. The United Nations must deal with the hard-core issues of economics and the driving forces of unsustainability, such as financial resources and their availability and the implications of an unequal playing field and their effect on implementation of global programmes. The United Nations cannot be allowed to deal only with the so-called soft issues. The political and financial marginalization of the United Nations will weaken not only its ability to ensure implementation of the Rio commitments, but the ability of other summits as well.

Our focus at this special session has been to accelerate the implementation of Agenda 21 and to unlock the means to do so.

The simple reiteration of our mutuality, of being tied to a common destiny, will no longer suffice. Let the message go back to the various capitals, to non-governmental organizations and to all stakeholders that the achievement of sustainable development requires nothing less than action that integrates economic, environmental and social components into decision-making and programmes, and the resurgence of a true global partnership based on common but differentiated responsibilities.

I extend my thanks to all concerned, particularly Mr. Tolba and his team, the Bureau, and all those who have assisted me in the special session. I am very grateful for all their assistance.

Minute of silent prayer or meditation

The President: I invite representatives to stand and observe one minute of silent prayer or meditation.

The members of the General Assembly observed a minute of silent prayer or meditation.

Closure of the nineteenth special session

The President: I declare closed the nineteenth special session of the General Assembly.

The meeting rose at 1.30 a.m.